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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,365	04/19/2001	Herman Rodriquez	AUS920010086US1	9239
35525	7590	08/23/2004	EXAMINER	
IBM CORP (YA)			BURGE, LONDRA C	
C/O YEE & ASSOCIATES PC			ART UNIT	
P.O. BOX 802333			PAPER NUMBER	
DALLAS, TX 75380			2178	
DATE MAILED: 08/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,365	RODRIQUEZ ET AL.	
	Examiner	Art Unit	
	Londra C Burge	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8-15-2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Original application filed 4/19/2001.
2. Claims 1-18 are pending. Claims 1, 11, 15, 16, 17 and 18 are independent claims.

Claim Rejections - 35 USC § 102

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-2, 6-12, 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al. (herein after Scott) U.S. Patent Pub No. 2002/0000998 A1 filed 1/5/1998.**

In regard to independent claim 1, Scott discloses *identifying an initial image to be displayed in an electronic document; providing alternate images within the same electronic document, wherein the alternate images differ from the initial image in size and resolution* (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11); *displaying the initial image* (Scott Para 0041 and Fig 4); *providing a selector for accessing the alternate images; and responsive to receiving user selection input, replacing the initial image with an alternate image and reformatting the electronic document.* (Scott Para 0096)

In regard to dependent claim 2, Scott discloses *wherein the alternate images are cached in memory.* (Scott Para 0130 cache in memory)

In regard to dependent claim 6, Scott discloses *wherein the size of the initial image is preset by the user.* (Scott Para 0076)

In regard to dependent claim 7, Scott discloses *wherein image resolution adjusts automatically with changes in image size.* (Scott Para 0072)

In regard to dependent claim 8, Scott discloses *wherein the selector comprises indicators displayed on the image.* (Scott Para 0076)

In regard to dependent claim 9, Scott discloses *wherein the image itself provides access to alternate clicking on images.* (Scott Para 0076)

In regard to dependent claim 10, Scott discloses *wherein the electronic document may be used within browser, word processing, and desktop publishing applications.* (Scott Para 0094 and 0133)

In regard to independent claim 11, Scott discloses *receiving a display of an initial image in an electronic document; selecting an alternate image from a plurality of alternate images by means of a selector, wherein the alternate images are provided within the same electronic document* (Scott Para 0076 Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11); *and receiving a display of the alternate image in place of the initial image in the electronic document, wherein the alternate image differs from the initial image in size and resolution.* (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11)

In regard to dependent claim 12, Scott discloses *further comprising presetting the size of the initial image.* (Scott Para 0076)

Art Unit: 2178

In regard to dependent claim 14, Scott discloses *wherein the step of selecting alternate images further comprises cycling through alternate images by clicking on the images*. (Scott Para 0076)

In regard to independent claims 15 and 17, claims 15 and 17 in addition to following reflect similar subject matter claimed in claim 1 and is rejected along the same rationale. Instructions (Scott Para 0181) and Apparatus (Scott page 19 Claim 28)

In regard to independent claims 16 and 18, claims 16 and 18 in addition to following reflect similar subject matter claimed in claim 11 and is rejected along the same rationale. Instructions (Scott Para 0181) and Apparatus (Scott page 19 Claim 28)

Claim Rejections - 35 USC § 103

5. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3-5, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Scott et al. as applied to claim 1 in view of Blumberg U.S. Patent No 6,708,309 B1 filed 3/11/1999.**

In regard to dependent claim 3, Scott does not specifically disclose *wherein the alternate images are stored on a server*. However, Blumberg shows images stored in a server (Blumberg Figure 3). It would have been obvious to one of ordinary skill in the art at the time of

Art Unit: 2178

the invention to apply Blumberg to Scott, providing Scott the benefit of storing the images in a server so the user can request the images from the server.

In regard to dependent claim 4, Scott discloses *further comprising ... an alternate image attribute; wherein the alternate image attribute specifies alternate image files* (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11).

Scott does not mention *redefining a HTML/XML image tag*. However, Blumberg mentions an HTML format (Blumberg Col 6 Lines 1-20). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of redefining an HTML image tag which is important for images located on a website.

In regard to dependent claim 5, Scott does not specifically disclose *further comprising reflowing text around the alternate image in the electronic document to accommodate changes in image size*. However, Blumberg shows text that is resized along with the image (Blumberg Figures 4A-4C). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of resizing the text with the image to keep the document neat.

In regard to dependent claim 13, Scott does not specifically disclose *wherein the step of selecting alternate images further comprises clicking on indicators displayed on a corner of the image*. However, Blumberg mentions clicking on an image, which could be clicked in the corner (Blumberg Col 14 Lines 33-52). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of click on

Art Unit: 2178

the images anywhere including a corner to adjust the size and resolution of the image as taught by Blumberg Col 14 Lines 33-52.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Loce et al.	U.S. Patent No. 5,696,845	issued	12/9/1997
Salgado et al.	U.S. Patent No. 5,946,527	issued	8/31/1999
Chui	U.S. Patent Pub No. 2002/0018072 A1	issued	2/14/2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is (571) 272-4122. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Art Unit: 2178

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703) 746-7239 (for formal communications intended for entry)

Or:

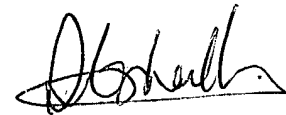
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Or:

(703) 746-7238 (for after-final communications)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

Londra C Burge
8/17/04



**STEPHEN S. HONG
PRIMARY EXAMINER**